

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-1491 JGB (SPx)**

Date December 17, 2024

Title ***Byron O. Woods Sr. v. United States of America***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution (IN CHAMBERS)

On July 17, 2024, Plaintiff Byron O. Woods, Sr. (“Plaintiff”) filed a complaint against the United States of America (the “Government”). (“Complaint,” Dkt. No. 1.) The Complaint requests that the Court review a decision under the Administrative Procedures Act (“APA”), by the Board for Correction of Naval Records (“BCNR”), to deny Plaintiff placement on the Permanent Disability Retirement list. (*See id.*) Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed R. Civ. Proc. 12(a)(1).

Here, it appears that one or more of these time periods has not been met as no proof of service has been filed. Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **January 3, 2025**, why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of the proof of service on or before the date upon which a response by Plaintiff is due. Failure to adequately respond to this order may result in the dismissal of this case.

IT IS SO ORDERED.